FISH &WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: October 10, 2013

Agenda Item: Vehicle Killed Wildlife Salvage ARM rules

Division: Law Enforcement   **Action Needed:** Final Adoption of ARM

Time Needed on Agenda for this Presentation: 25 minutes

Background:
House Bill 247, passed by the 63rd Legislature, allows individuals to salvage deer, antelope, moose and elk killed in vehicular collisions. The bill provides authority for the F&W Commission to create rules to implement this action.

Public Involvement Process & Results
Following approval of tentative rules on July 11, the rules were made available for public comment from July 25—August 23. FWP received 86 public comments in eight general categories:

      55 supported the wildlife salvage rule

      28 requested that information be added to the final rule or for specific issues to be addressed before final rule adoption

      12 questioned the need for issuing a permit

      10 opposed the human consumption of animals killed in vehicular collisions

      9 supported rules to require human consumption of salvaged game or donation to social service organizations

      8 stated the law and rule will promote unlawful taking under the guise of vehicular collisions

      6 requested that salvaged meat be allowed to be donated to zoos or wildlife rehabilitation centers, or to be used to feed pets

      4 expressed concern about driver/pedestrian safety in retrieving salvaged game

Alternatives and Analysis
To salvage road-killed deer, elk, moose, or antelope, FWP must have a permit system for lawful possession and method for tracking salvaged animals. The proposed rules provided for this and they must be in place in order to implement the law. While most comments supported rules to allow the salvage of animals, many noted the permit system needed to be as simple as possible. As a result, FWP developed an electronic permitting system where individuals wishing to take possession of road-killed game could go to a website, complete an application, agree to the terms and conditions of possession, and then print a permit. A permit would be necessary for each animal salvaged. The system would retain information for tracking or, if needed, future investigation.

Agency Recommendation & Rationale
FWP recommends adoption of the amended rules that allow for the electronic issuance of permits as well as tracking information, which meets the intent of the law and establishes records. It would provide a convenient and reasonable means for citizens to apply for permits and would eliminate the need for law enforcement officers from a wide range of agencies and jurisdictions to carry and submit documentation for the permits.

Proposed Motion
I move the Commission approve the amended administrative rules regarding salvaging deer, elk, moose and antelope that have been killed in vehicular collisions.

PROPOSED ARM, Salvage Permits.
Amendments to original proposal indicated in <u>blue underline</u>.

SALVAGE PERMITS (1) A deer, elk, moose, or antelope accidentally killed as a result of a vehicle collision may be salvaged and possessed if a permit is obtained from a peace officer or by the department through an electronic application and issuing process.

     (2) Any animal taken for salvage must:

     (a) be taken in its entirety;

     (b) be presented to a peace officer or department regional office during regular business hours within 24 hours of taking possession of the animal to acquire a permit, or,

     (c) Within 24 hours, acquire a permit through a department established on-line method; and

     (d) Be disposed of in accordance with 75-10-213, MCA and any meat rendered must be utilized for human consumption and may not be used for bait or any other purpose.

     (3) The salvage permit will be issued on a form provided by the department.

     (4) Big game licenses and tags issued for the purpose of hunting shall not be used for purposes of salvaging animals.

     (5) All parts of animals salvaged shall be made available for inspection by a peace officer upon request.

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